

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NAOMI CASTILLO-RAMIREZ,

No. C-09-5938 EMC

Plaintiff,

v.

**ORDER DENYING RAMIREZ'S  
MOTION FOR APPOINTMENT OF  
COUNSEL**COUNTY OF SONOMA, and DOES 1 to  
100, INCLUSIVE,**(Docket No. 28)**Defendants.  

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Pro per plaintiff Naomi Castillo-Ramirez, through her proposed guardian ad litem Maricela Ramirez, brought this civil rights complaint under 42 U.S.C. § 1983 against Defendants County of Sonoma and Does 1 to 100, alleging that they violated her father's civil rights during his incarceration at the county jail. Currently pending before the Court is Ms. Ramirez's motion asking that counsel be appointed for Ms. Castillo-Ramirez. The Court hereby **DENIES** the request for relief.

First, the request for relief is improper because, as the Court has previously noted, Ms. Ramirez has not yet been appointed next friend or guardian ad litem for Ms. Castillo-Ramirez and therefore she cannot make a request for relief on Ms. Castillo-Ramirez's behalf.

Second, even if Ms. Ramirez had been appointed such, the request for relief would still be improper because, as the Court has previously explained, "a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer." *Johns v. County of San Diego*, 114 F.3d 874, 877 (9th Cir. 1997). Ms. Ramirez has not obtained any lawyer.


1 Finally, even if the Court were to construe the pending motion as a motion made by Ms.  
2 Ramirez asking for appointment of counsel for herself (as next friend or guardian ad litem), the  
3 Court would still deny the motion. A district court may appoint counsel for an indigent § 1983  
4 litigant only under limited circumstances. *See Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir.  
5 1991). This “requires an evaluation of both the likelihood of success on the merits and the ability of  
6 the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.”  
7 *Id.* (internal quotation marks omitted). In the instant case, Ms. Ramirez has made no attempt to  
8 establish the likelihood of success on the merits. Furthermore, she has not shown that the case is  
9 particularly complex.

10 Accordingly, for the reasons stated above, the Court hereby **DENIES** the motion for  
11 appointment of counsel. That denial is without prejudice to a properly appointed guardian making a  
12 sufficient showing for appointment of counsel. The hearing on the motion for appointment of  
13 counsel is hereby **VACATED**.

14 This order disposes of Docket No. 28.

15  
16 IT IS SO ORDERED.

17  
18 Dated: April 27, 2010

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20 EDWARD M. CHEN  
21 United States Magistrate Judge  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NAOMI CASTILLO-RAMIREZ,

No. C-09-5938 EMC

Plaintiff,

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**CERTIFICATE OF SERVICE**

COUNTY OF SONOMA, and DOES 1 to  
100, INCLUSIVE,

Defendants.

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Naomi Castillo-Ramirez  
2113 W. Steele Lane  
Santa Rosa, CA 95403  
707-568-0348  
PRO SE

Maricela Ramirez  
2113 W. Steele Lane  
Santa Rosa, CA 95403  
PRO SE

Dated: April 27, 2010

RICHARD W. WIEKING, CLERK

By: /s/ Leni Doyle  
Leni Doyle  
Deputy Clerk